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REMARKS

This amendment is in response to the Office Action mailed on July 8, 2004 wherein Claims 1-7 were rejected. Claims 8-10 have been added and Claims 1-10 remain pending.

Claim Rejections Under 35 USC §103

On page 2 of the Office Action, the Examiner rejected Claim 1-20 under 35 USC §103 as being unpatentable over Okawa et al. in view of Sharp and Jackson et al.

Okawa, Sharp and Jackson are all silent with respect to using the distance a tire and/or tires have traveled to determine a tire pressure fault. While it is a principle of physics that speed is a function of distance and time (and that rolling diameter will effect the speed of a tire), the prior art cited by the Examiner clearly uses only wheel speeds to determine a tire pressure fault. Okawa et al disclosed in column 4, lines 10-25 that angular velocity is used to determine a tire pressure fault. Sharp in column 6, lines 5-50 uses wheel speed to determine a tire pressure fault. Jackson et al. merely discloses the use of sensors to determine the rolling diameter of a wheel. The fundamental difference between distance and speed is the factor of time. Speed based systems are dependent on highly accurate processors with high throughput, as they possibly receive thousands to pulses per second and must within a certain time period convert these pulses (using time) to a speed based calculation. Due to the nature of these speed calculations they are prone to noisy data and microprocessor timing limitations. The present invention is based on the distance traveled and is not dependant on time. This is an important and fundamental difference between the present invention and the prior art. Okawa, Sharp, and Jackson, singly or in combination, do not teach or suggest the prior art.

The Examiner is practicing improper hindsight reconstruction, as there is no teaching or motivation to suggest the claims of the present invention. Applicants object to any notion that the prior art teaches a distance based tire pressure fault and assert that the Examiner's statement is highly speculative and is not supported by prior art, as the cited art is completely silent with to using the distance a wheel has traveled to determine a tire pressure fault. A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of the invention to consider the thinking of one of ordinary skill in the art, guided only by

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the prior art references and the then-accepted wisdom in the field... Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of hindsight syndrome wherein that which only the invention taught is used against its teacher. *In Re Kotzab*, 217 F.3d 1365. The Examiner has fallen victim to hindsight reconstruction and has also ignored the elements of the claimed invention and failed to explain how and why the claimed subject matter is rendered unpatentable over the prior art and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on.

Okawa and Sharp clearly teach away from the present invention as they disclose a speed based and not distance based tire pressure fault. The suggested combination of Okawa, Sharp and Jackson by the Examiner is improper, references cannot be combined where the reference teaches away from their combination. See MPEP Section 2145.

If the Examiner relies on personal knowledge that the apparatus of the present invention is obvious, Applicants respectfully request support for this assertion in the form of an affidavit that shall be subject to contradiction or explanation by the affidavits of the Applicants and other persons under 37 CFR 1.104(d)(2).

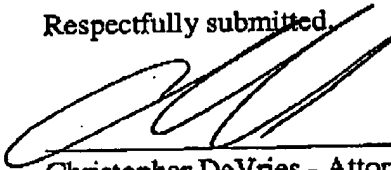
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Conclusion

The entire Office Action dated July 8, 2004 has been carefully reviewed, and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 1-10 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

Please charge any fees, which may be due, to Deposit Account No. 07-0960.

Respectfully submitted,



Christopher DeVries - Attorney
Reg. No. 44,654
Telephone: 313-665-4969